

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**DIANE E. GRIEGO MEDINA,**

**Plaintiff,**

**vs.**

**CIV. NO. 1:17-cv-01149-SMV**

**NANCY A. BERRYHILL,  
Acting Commissioner of  
Social Security,**

**Defendant.**

**ORDER**

Upon consideration of Defendant's Stipulated Motion for Award of Attorney Fees Under the Equal Access to Justice Act (EAJA), the Court hereby awards Plaintiff \$7,250 in attorney fees under the EAJA, 28 U.S.C. § 2412. The EAJA fees will be paid to Plaintiff but delivered to Plaintiff's attorney. *See Astrue v. Ratliff*, 560 U.S. 586, 595-98 (2010); *Manning v. Astrue*, 510 F.3d 1246, 1255 (10th Cir. 2007), cert. denied, 129 S. Ct. 486 (2008); *Brown v. Astrue*, 271 F. App'x 741, 743-44 (10th Cir. 2008) (unpublished). It is further ordered that, if Plaintiff's counsel ultimately receives an award of attorney fees pursuant to 42 U.S.C. § 406(b), said attorney must refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

The Court also awards costs in the amount of \$400, pursuant to 28 U.S.C. § 1920.

DATED this 18th day of October 2018.



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STEPHAN M. VIDMAR  
UNITED STATES MAGISTRATE JUDGE

Respectfully submitted,

By: /s/ Jennifer A. Randall  
JENNIFER A. RANDALL  
Special Assistant United States Attorney  
Attorneys for Defendant

By: /s/ Benjamin E. Decker  
BENJAMIN E. DECKER  
Attorney for Plaintiff